



16310 U.S.PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

22141 U.S.PTO
10/716372



Prior Application Examiner: REIFSNYDER, David A. Atty Docket: 11284.0029.DVUS08

Prior Group Art Unit: 1723

**REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

CERTIFICATE OF EXPRESS MAILING	
NUMBER EV318622661US	
DATE OF DEPOSIT <u>NOVEMBER 18, 2003</u>	
I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to MAIL STOP PATEMT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 Signature	

**MAIL STOP PATEMT
APPLICATION**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/879,496 filed on June 12, 2001 entitled "METHOD AND APPARATUS FOR MIXING FLUIDS, SEPARATING FLUIDS, AND SEPARATING SOLIDS FROM FLUIDS".

1. Enclosed is a copy of the prior application Serial No. 09/879,496 as originally filed, including specification, claims, drawings, declaration, power of attorney, small entity statement and assignment. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to

complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

- The inventorship is the same as prior Application Serial No. 09/879,496.
- Deletion of inventor(s). A signed statement is attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- Priority of foreign patent application number , filed on in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:
 - is enclosed.
 - has been filed in the prior Application Serial No. .
- 2. The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).
- 3. Applicant authorizes the Commissioner to deduct any fees relating to this document required under 37 C.F.R. §§ 1.16 to 1.21 from Howrey Simon Arnold & White, LLP Deposit Account No. 01-2508/11284.0029.DVUS08. Applicant calculates a fee of \$394.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment (if any) referenced below.

Small Entity Filing Fees Calculation

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee				\$385
Total Claims	21 - 20	1	X 9 =	\$9
Independent Claims	3 - 3	0	X 43	\$0
Multiple Dependent Claims	0		140	\$0
Total Filing Fees:				\$394

4. Applicant is entitled to Small Entity Status for this application.

A Small Entity statement is enclosed.

A Small Entity statement was filed in the prior nonprovisional application and such status is still proper and desired.

Small Entity status is no longer claimed.

5. Enclosed is a copy of the current Power of Attorney and Declaration in the prior application.

6. Address all future communications to:

Gregg Duffey
Customer No. 23369
Howrey Simon Arnold & White, LLP
750 Bering Drive
Houston, TX 77057-2198
(713) 787-1569

7. The prior application is presently assigned to Hydrotreat, Inc.

- 8. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the calculation above and the fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- 9. Cancel in this application claims 1-23, 27-33 and 37 of the prior application and add new claims 38 - 52 before calculating the filing fee (at least one original independent claim must be retained).
- 10. Enclosed are formal drawings.
- 11. An Information Disclosure Statement (IDS) is enclosed.
 - PTO-1449.
 - Copies of IDS citations.
- 12. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. filed on , for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. filed on . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.
- 13. A Return Receipt Postcard is enclosed (should be specifically itemized). Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

Gregg A. Duffey
Reg. No. 42,501
Customer No. 23369
ATTORNEY FOR ASSIGNEE,
HYDROTREAT, INC.

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750 Bering Drive
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DATE: NOVEMBER 18, 2003

1.53(b) Application